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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,720	07/30/2003	Hiroyuki Manabe	241025US90	6836
22850 7590 03/19/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER JOHNSON, SHEVON ELIZABETH	
			ART UNIT	PAPER NUMBER
			3766	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/19/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/19/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/629,720

Applicant(s)

MANABE ET AL.

Examiner

Shevon E. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY-(30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/19/04; 2/16/05; 7/24/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by DeLuca et al. (U.S. Patent No. 6,129,666).

In regards to claim 1, DeLuca discloses an electrode device for measuring bio-signals of a human, comprising: a plurality of electrode sections (25, 26, 27) which are contacted to the skin of a human body for measurement; a preamplifier section 42 which is electrically connected with each electrode section via an electric wire; and a flexible section 13 which is disposed between each electrode section and the preamplifier section, and is non-conductive and can be transformed flexibly (col. 3, line 20 – col. 4, line 5; figs. 1-5).

In regards to claim 2, DeLuca discloses an electrode device for measuring bio-signals of a human, comprising: a plurality of electrode sections (96, 97, 115, 116) which are contacted to the skin of a human body for measurement; and a preamplifier section (101, 122) which is electrically connected with each electrode section via an electric wire and is made of flexible material which can be transformed flexibly (col. 4, line 24 - col. 5, line 35; figs. 11-12).

In regards to claim 3, DeLuca discloses an electrode device for measuring bio-signals of a human, comprising: a plurality of electrode sections (115, 116) which are contacted to the skin of a human body for measurement; and a flexible section 112 which contains a preamplifier section 122 electrically connected with each electrode section via an electric wire, and is non-conductive and can be transformed flexibly (col. 4, line 24 - col. 5, line 35; figs. 11-12).

In regards to claim 4, DeLuca discloses an electrode device wherein the shape or size of said electrode (97, 116) section is set according to the measurement target region (col. 4, line 24 - col. 5, line 35; figs. 11-13).

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In regards to claim 5, DeLuca discloses an electrode device wherein said flexible section or said flexible material is comprised of a plurality of layers, and the elastic coefficient of each layer is set according to the movement of the measurement target region (col. 4, lines 24-49).

In regards to claim 6, DeLuca discloses an electrode device wherein the elastic coefficient in said flexible section or said flexible material is set so as to continuously change according to the movement of the measurement target region (col. 4, lines 24-49).

**3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Agostini et al. (CH 662717 A5), as cited by the applicant.**

In regards to claim 1, Agostini discloses an electrode device for measuring bio-signals of a human, comprising: a plurality of electrode sections 2 which are contacted to the skin of a human body for measurement; a preamplifier section 12 which is electrically connected with each electrode section via an electric wire; and a flexible section 3 which is disposed between each electrode section and the preamplifier section, and is non-conductive and can be transformed flexibly (pg. 3, col. 3, lines 13 - 41; figs. 1 and 2).

**4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (JP 2001061799), as cited by the applicant.**

In regards to claim 1, Yamamoto discloses an electrode device for measuring bio-signals of a human, comprising: a plurality of electrode sections (2, 3, 4) which are contacted to the skin of a human body for measurement; a preamplifier section 6 which is electrically connected with each electrode section via an electric wire; and a flexible section 1 which is disposed between each electrode section and the preamplifier section, and is non-conductive and can be transformed flexibly (col. 5, line 20 – col.6, line 28; figs. 1-6).

In regards to claim 2, Yamamoto discloses an electrode device for measuring bio-signals of a human, comprising: a plurality of electrode sections (2, 3, 4) which are contacted to the skin of a human body for measurement; and a preamplifier section 6 which is electrically connected with each electrode section via an electric wire and is made of flexible material which can be transformed flexibly (col. 5, line 20 – col.6, line 28; figs. 1-6).

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In regards to claim 3, Yamamoto discloses an electrode device for measuring bio-signals of a human, comprising: a plurality of electrode sections (2, 3, 4) which are contacted to the skin of a human body for measurement; and a flexible section 1 which contains a preamplifier section 6 electrically connected with each electrode section via an electric wire, and is non-conductive and can be transformed flexibly (col. 5, line 20 – col.6, line 28; figs. 1-6).

***Citation of Relevant Prior Art***

5. The prior art made of record and not relied upon but considered pertinent to applicant's disclosure includes Howson (U.S. Patent No. 4,082,087) and Carrier et al. (U.S. Patent No. 5,352,315). Howson and Carrier disclose biomedical electrode devices for deriving electrical signals due to physiological activity when placed in contact with the skin.

***Conclusion***

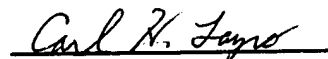
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shevon Johnson whose telephone number is (571) 272-2010. The examiner can normally be reached on M-F (8 a.m. - 4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Layno can be reached on (571) 272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shevon Johnson  
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Carl Layno  
Supervisory Patent Examiner  
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**CARL LAYNO**  
**PRIMARY EXAMINER**  
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